

Application No. 10/756,057

Remarks

Applicants thank the Examiner for his careful consideration of the application.

Claims 1 – 8 are pending in the application.

Double Patenting

Claims 1 – 3 and 5 – 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5, 8 and 9 of co-pending Application No. 10/756587. A timely filed terminal disclaimer signed by the assignee must fully comply with 37 CFR. 1.321(c).

Applicants have submitted a terminal disclaimer along with this response.

Claim Rejections - 35 USC § 102

Claims 1 and 8 are rejected under 35 USC § 102(b) as being anticipated by Komplin et al. (US Patent No. 5,940,096) ("Komplin").

The Examiner has stated that claim 3 is allowable. Applicants have rewritten claim 1 to include the limitations of claim 3. Therefore, claim 1 should be allowable. The rejection to claim 8 is moot as claim 8 has been canceled.

Claim Rejections – 35 USC § 103

Claims 1, 2, 4, and 5 – 8 are rejected under 35 USC § 103(a) as being unpatentable over Nakamura et al. (US Patent No. 6,488,355) ("Nakamura") in view of Tachihara et al (US Patent No. 6,280,080) ("Tachihara").

The Examiner has stated that claim 3 is allowable. Applicants have rewritten claim 1 to include the limitations of claim 3. Therefore, claim 1 should be allowable. Claims 5 – 7 should be allowed if claim 1 is allowed as claims 5 – 7 depend from claim 1. The rejection to claims 2, 4, and 8 is moot as claims 2, 4, and 8 have been canceled.

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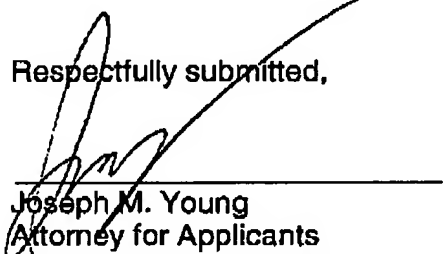
Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 has been canceled and the limitations thereof have been added to claim 1.

Conclusion

A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,



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